

EL 961414408

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.09/824,901
Filing Date 4/02/2001
Inventorship Burns et al.
Applicant Microsoft Corporation
Group Art Unit 2665
Examiner D. Ryman
Attorney's Docket No.MSI-095USC4
Title: Content Provider for Pull Based Intelligent Caching System

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DECLARATION UNDER 37 C.F.R. § 1.131

DEC 11 2003

Technology Center 2600

As an Applicant representative, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

The invention entitled "Content Provider for Pull Based Intelligent Caching System," as identified above, was conceived in the United States prior to January 16, 1996, the earliest of the filing dates of U.S. Patent No. 5,732,078 to Arango (hereinafter, "Arango"), and U.S. Patent No. 5,790,935 to Payton (hereinafter, "Payton"). The invention was reduced to practice when the parent application 08/703,487 was filed August 26, 1996. Included herewith are redacted documents which evidence conception of the subject application prior to January 16, 1996, and which evidence reasonable diligence to disclose, prepare, and file the parent application on August 26, 1996.

A Disclosure Document (one page) dated August 29, 1995 evidences that the invention of the subject application was conceived in the United States prior to January 16, 1996, the earliest of the filing dates of Arango and Payton. An invention disclosure Meeting Record (three pages) dated February 7, 1996 evidences an invention disclosure meeting conducted with Applicant's attorney and inventor Greg

1 Burns. An email communication (one page) dated April 2, 1996 evidences that a
2 first draft of the parent application, identified as Attorney's Docket No. MS1-095US,
3 was completed by April 2, 1996.

4 Further evidence of reasonable diligence from "just prior to the entry in the
5 field of the party who was first to reduce to practice (i.e., Arango on January 16,
6 1996) and... until the first conceiver reduces to practice (i.e., Applicant on August
7 26, 1996)" (MPEP §2138.06) includes preparation of the Disclosure Document
8 dated August 29, 1995, Applicant's patent procurement process, the invention
9 disclosure meeting on February 7, 1996, and filing of the parent application
10 08/703,487 on August 26, 1996. Applicant's patent procurement process is an on-
11 going process of activity that includes receiving the Disclosure Document from the
12 inventor(s), reviewing the Disclosure Document for completeness, importance level,
13 and patentability by way of meetings and discussions. After Applicant's review, the
14 process continues with an assignment of outside counsel to review and conflict
15 check the Disclosure Document, and a confirmation from the outside counsel by way
16 of a disclosure meeting request. Applicant then facilitates coordination of the
17 disclosure meeting between the outside counsel representative and the inventor(s).

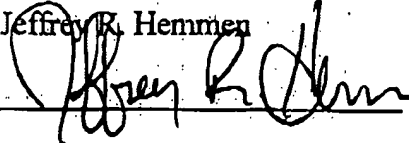
18 All statements made herein of my own knowledge are true, and all
19 statements made on information and belief are believed to be true. Further, these
20 statements are made with the knowledge that willful false statements and the like
21 so made are punishable by fine or imprisonment, or both, under Section 1001 of
22 Title 18 of the United States Code and that such willful false statement may
23 jeopardize the validity of the application or any patent issued therefrom.

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